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March 2, 2022

VIA ECF

Honorable Robert Lehrburger
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Luis Hernandez v. United States of America, et al.,
16 Civ. 6139 (JPC)(RWL)

Your Honor:

I am the attorney assigned to represent defendant the City of New York in the above-referenced matter. On behalf of all parties, the City writes to respectfully request a stay of discovery in this matter to permit the parties to discuss settlement.

The parties last wrote to the Court on January 26, 2022, to request a sixty-day extension of time to complete fact discovery in this matter, up to April 1, 2022. That request was granted on January 26, 2022. (ECF No. 117). That request was made to facilitate the completion of remaining items of discovery and due to the reassignment of this case to the undersigned.

Since that time, the undersigned has reviewed this matter and conferred with counsel for all parties regarding the potential resolution of this case. Based on the record adduced so far, all parties are in agreement that it would be prudent to engage in settlement discussions before expending further time and resources on fact discovery.¹ The parties agree that sufficient discovery has been taken to permit informed negotiations to take place. The parties believe that fact discovery can be completed within thirty days of the completion of settlement negotiations, should they prove unsuccessful.


¹ The undersigned is advised that the Assistant United States Attorney assigned to represent the United States in this matter will be leaving his office on March 11, 2022. Accordingly, it will be difficult for the parties to schedule and complete the remaining items of discovery within the current time frame while the incoming AUSA becomes familiar with this matter. Additionally, the undersigned is scheduled to begin a trial on March 14, 2022 in the Eastern District of New York that is expected to last at least through March 18, 2022. Ross v. City, et al., 18-cv-1340 (WFK).

Accordingly, the parties are respectfully requesting that the Court stay discovery and endorse the following schedule for settlement proceedings:

1. The City will provide a response to plaintiff's current settlement demand on or before March 25, 2022.
2. The parties will provide the Court with a status report on or before April 1, 2022, including a request for a settlement conference, if appropriate.
3. If a settlement conference is not requested, the parties will complete fact discovery on or before May 3, 2022.
4. If a settlement conference is requested, the parties will complete fact discovery within 30 days of the unsuccessful termination of settlement proceedings.

The parties thank the Court for its consideration of this request.

Respectfully submitted,


/s/

Hannah V. Faddis
Senior Counsel
Special Federal Litigation Division

cc: **VIA ECF**
All Counsel of Record

Granted in part; Denied in part. Rather than issue a stay, the Court grants and orders numbers 1, 2, and 3 regarding settlement procedure. The Court modifies and orders number 4 as follows: If a settlement conference is requested, the deadline for completing discovery will be deemed extended to 30 days following unsuccessful termination of settlement proceedings.

SO ORDERED:

3/3/2022



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE